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17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**

19
20 ELISSA M. ROBERTS, Individually and on
Behalf of All Others Similarly Situated,

21 Plaintiff,

22 vs.

23 BLOOM ENERGY CORPORATION, et al.,
24 Defendants.

Case No. 4:19-cv-02935-HSG

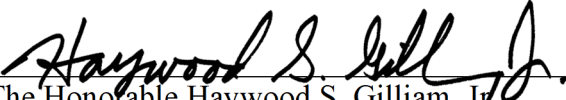
**ORDER AS MODIFIED GRANTING
JOINT ADMINISTRATIVE MOTION TO
FILE OPT-OUT AGREEMENT UNDER
SEAL**

Hon. Haywood S. Gilliam, Jr.

Pursuant to Civil Local Rules 7-11 and 79-5 of the United States District Court for the Northern District of California, the Court, having reviewed the Opt-Out Agreement submitted as Exhibit 3 to the Parties' October 30, 2023 Joint Administrative Motion to File Opt-Out Agreement Under Seal (the "Joint Motion"), finds that there exist "compelling reasons" for maintaining the confidentiality of the Opt-Out Agreement, *In re Lyft Inc. Sec. Litig.*, 2023 WL 2960006, at *2 (N.D. Cal. Mar. 16, 2023) ("[T]here are compelling reasons to seal the opt-out threshold . . . to discourage third parties with ulterior motives from soliciting class members to opt out), *Hefler v. Wells Fargo & Co.*, 2018 WL 4207245, at *7 (N.D. Cal. Sept. 4, 2018) (keeping confidential similar opt-out agreement, including the number of exclusions required to terminate the Settlement, "to avoid the risk that one or more shareholders might use this knowledge to insist on a higher payout for themselves by threatening to break up the Settlement."); *Thomas v. MagnaChip Semiconductor Corp.*, 2016 WL 3879193, at *7 (N.D. Cal. July 18, 2016) ("There are compelling reasons to keep this information confidential, in order to prevent third parties from utilizing it for the improper purpose of obstructing the settlement and obtaining higher payouts."); *In re HealthSouth Corp. Sec. Litig.*, 334 F. App'x 248, 250 n.4 (11th Cir. 2009) ("The threshold number of opt outs required to trigger the blow provision is typically not disclosed and is kept confidential to encourage settlement and discourage third parties from soliciting class members to opt out.").

It is **HEREBY ORDERED THAT** the Joint Motion is **GRANTED**. Dkt. No. 244. Accordingly, the Court orders that the following document be filed under Seal in its entirety: Opt-Out Agreement, submitted as Exhibit 3 to the Joint Motion. Dkt. No. 244-3, Ex. 3. Pursuant to Civil Local Rule 79-5(g)(1), documents filed under seal as to which the administrative motion is granted will remain under seal.

SO ORDERED this 31st day of October, 2023.


The Honorable Haywood S. Gilliam, Jr.
United States District Judge